

UNITED STATES v. NORTHERN PACIFIC RAIL-
WAY COMPANY.

CERTIORARI TO THE CIRCUIT COURT OF APPEALS FOR THE
EIGHTH CIRCUIT.

No. 88. Argued November 11, 12, 1920.—Decided December 6, 1920.

The requirement of the Safety Appliance Acts that all trains used on any railroad engaged in interstate commerce shall have a certain per cent. of their cars equipped with power or train brakes under control of the engineer, applies to "transfer trains" moving between two yards of a railroad company, over a "transfer" track which crosses at grade streets and lines of independent railroad companies where freight and passenger trains are run, and which also is used, in part, by independent railroad companies for their freight trains. P. 253.

A moving locomotive and cars attached are without the provision of the act only when they are not a train; as where the locomotive is

¹ Compare *Davis v. Hines*, 6 Oh. St. 473, 478; *Lichtenstadt v. Rose*, 98 Ill. 643; *Taylor v. Pierce*, 174 Ill. 9, 12; *Wilson v. Vance*, 55 Ind. 584, 591.